

**S/N 10/822,909**

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Andrew J. Nelson et al.	Examiner:	Jordan Marc Schwartz
Serial No.:	10/822,909	Group Art Unit:	2873
Filed:	April 13, 2004	Docket No.:	1878.001US1
Title:	SYSTEM AND METHOD FOR DISPLAYING INFORMATION ON ATHLETIC EYEWEAR		

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**AMENDMENT AND RESPONSE UNDER 37 CFR § 1.111**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

This responds to the Office Action dated on September 27, 2005. Please amend the above-identified patent application as follows.

This response is accompanied by a Petition, as well as the appropriate fee, to obtain a two-month extension of the period for responding to the Office Action, thereby moving the deadline for response from December 27, 2005 to February 27, 2006.

### IN THE CLAIMS

Please amend the claims as follows:

1. (Currently Amended) A method of displaying performance information on athletic eyewear, comprising:
  - forming a lens, wherein forming includes embedding a plurality of light pipes in the lens in order to form a segment display in the lens;
  - mounting the lens in the athletic eyewear; and
  - activating the display from a source outside the lens.
2. (Currently Amended) The method according to claim 1, wherein forming includes pouring resin in a mold and wherein embedding includes suspending the display plurality of light pipes in the resin prior to hardening.
3. (Currently Amended) The method according to claim ~~1~~ 4, wherein forming includes pouring resin in a mold and wherein embedding includes suspending a the plurality of light pipes in the resin prior to hardening.
4. (Currently Amended) A ~~The method according to claim 3 of displaying performance information on athletic eyewear, comprising:~~
  - forming a lens, wherein forming includes pouring resin in a mold and suspending a plurality of light pipes in the resin prior to hardening;
  - mounting the lens in the athletic eyewear; and
  - activating the display from a source outside the lens;wherein the display is a segment display and wherein activating the display includes directing light into a light pipe associated with each segment to be lit.
5. (Original) The method according to claim 4, wherein each light pipe is attached to a shutter and wherein directing the light into a light pipe includes opening the shutter attached to the light pipe.

6. (Currently Amended) The method according to claim ~~3~~ 4, ~~wherein the display is a segment display and~~ wherein activating the display includes receiving information from a measuring device, determining which segments to light as a function of the information received from the measuring device and directing light into a light pipe associated with each segment to be lit.

7. (Original) The method according to claim 6, wherein each light pipe is attached to a shutter and wherein directing the light into a light pipe includes opening the shutter attached to the light pipe.

8. (Canceled)

9. (Canceled)

10. (Currently Amended) The method according to claim ~~8~~ 1, wherein activating the display includes receiving information from a measuring device and driving the display as a function of the information received from the measuring device .

11-28. (Canceled)

29. (Currently Amended) Athletic eyewear capable of displaying information, comprising:  
a frame;  
a lens, wherein the lens includes a display plurality of light pipes embedded within the lens, wherein the plurality of light pipes are configured to form a segment display, wherein the lens is mounted in the frame such that the display is viewable by a user wearing the eyewear; and  
a display controller, wherein the display controller drives the display as a function of the information to be displayed.

30-32. (Canceled)

33. (Currently Amended) ~~The Athletic eyewear of claim 29~~ capable of displaying information, comprising:

a frame;

a lens, wherein the lens includes a display embedded within the lens, wherein the lens is mounted in the frame such that the display is viewable by a user wearing the eyewear; and

a display controller, wherein the display controller drives the display as a function of the information to be displayed;

wherein the display is formed from a plurality of light pipes, wherein an end of each light pipe is attached to a shutter.

34. (Currently Amended) ~~The athletic eyewear of claim 29~~ 33, wherein the display is formed from a plurality of light pipes, wherein an end of each light pipe is attached to a shutter, wherein the shutter is formed by coating an end of the light pipe with a material which changes opacity under electrical charge.

35-48. (Canceled)

49. (Currently Amended) A method of displaying performance information on athletic eyewear, comprising:

forming a segment display from a plurality of light pipes;

attaching a the display to one or more lens of an article of athletic eyewear; and

activating the display to display the performance information, wherein activating the display includes directing light into a light pipe associated with each segment to be lit.

50. (Previously Presented) The method according to claim 49, wherein activating the display includes receiving information from a measuring device and driving the display with a controller as a function of the information received from the measuring device.

51. (Previously Presented) The method according to claim 49, wherein attaching includes pouring resin in a mold and suspending the display in the resin prior to hardening.

52. (Canceled)

53. (Canceled)

54. (Currently Amended) The method according to claim ~~53~~ 49, wherein each light pipe is attached to a shutter and wherein directing the light into a light pipe includes opening the shutter attached to the light pipe.

55. (Canceled)

56. (Canceled)

57. (New) The athletic eyewear of claim 29, wherein each light pipe includes a shutter formed by coating an end of the light pipe with a material which changes opacity under electrical charge.

### REMARKS

This responds to the Office Action dated on September 27, 2005, and the references cited therewith.

Claims 1-4, 6, 10, 29, 33, 34, 49, and 54 are amended, claims 8, 9 11-28, 30-32, 35-48, 52, 53, 55 and 56 are canceled, and claim 57 is added; as a result, claims 1-7, 10, 29, 33, 34, 49-51, 54 and 57 are now pending in this application.

### Information Disclosure Statement

Applicant submitted an Information Disclosure Statement and a 1449 Form on June 13, 2005. Applicant respectfully requests that initialed copies of the 1449 Forms be returned to Applicant's Representatives to indicate that the cited references have been considered by the Examiner.

### Affirmation of Election

Restriction to one of the following sets of claims was required:

Group Ia) Claims 1-10, 29-34, 45, 49, 51 and 52.

Group Ib) Claims 11-24 and 46.

Group Ic) Claims 47, 48 and 53-56.

Group II) Claims 43, 44 and 50.

Applicant elects to prosecute the invention of Group Ia, current claims 1-7, 10, 29, 33, 34, 49-51, 54 and 57.

The claims of the non-elected inventions, claims 11-24, 43-44, 46-48, 53, 55 and 56, are hereby canceled. Claims 50, 51 and 54 have been retained in view of the amendments to claim 49. Applicant reserves the right to later file continuations or divisions having claims directed to the non-elected inventions.

Allowable Subject Matter

Claims 4-7 and 33-34 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant rewrote claims 4-7 and 33-34 to include all the limitations of the base claims and any intervening claims. Reconsideration and allowance of claims 4-7, 33 and 34 is respectfully requested.

§102 Rejection of the Claims

Claims 1, 29-30, 45, and 49 were rejected under 35 U.S.C. § 102(b) as being anticipated by WO 94/09398.

As the Examiner notes, WO 94/09398 describes a method of displaying information on eyewear. Applicant respectfully submits that WO 94/09398 does not describe a method of displaying information on eyewear which relies on embedding a plurality of light pipes in the lens in order to form a segment display and then using the segment display to display the performance information. Claims 1, 2, 29 and 49 have been amended to clarify this distinction.

§103 Rejection of the Claims

Claims 2-3, 8-10, and 51-52 were rejected under 35 U.S.C. § 103(a) as being unpatentable over WO 94/09398 in view of Gotah et al. (U.S. Patent No. 6,705,725). Claims 8, 9 and 52 are canceled.

The Examiner stated that although WO 94/09398 does not specifically disclose the optical material of the lens as a resin formed by molding, Gotah teaches that eyeglass lenses can be formed by molding resin material. Applicant respectfully submits that there is no teaching or suggestion in any of the cited references to combine WO 94/09398 as described and claimed by Applicant. In addition, claims 2, 3, 10 and 51 are allowable as dependent on an allowable base claim for the reasons given for claims 1 and 49 above.

Claim 31 was rejected under 35 U.S.C. § 103(a) as being unpatentable over WO 94/09398 in view of Carkner (U.S. Publication No. 2004/0125348). Claim 31 was canceled as noted above.

Claim 32 was rejected under 35 U.S.C. § 103(a) as being unpatentable over WO 94/09398 in view of Jacobson (U.S. Publication No. 2004/0054031). Claim 32 was canceled as noted above.

Reconsideration and allowance of all remaining claims is respectfully requested.



**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6909 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

ANDREW J. NELSON ET AL.

By their Representatives,

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Date February 27, 2006

By



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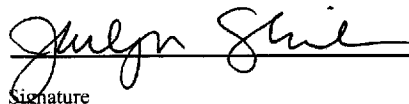
Reg. No. 35,075

Date of Deposit: February 27, 2006

This paper or fee is being filed on the date indicated above, using the USPTO's electronic filing system EFS-Web, and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Jaclyn Skiba

Name

  
Signature